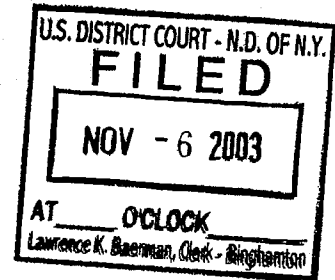


EXHIBIT A

Served
amt

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CAR-FRESHNER CORPORATION
21205 Little Tree Drive
Watertown, New York 13601-0719

and

JULIUS SÄMANN LTD.
Chancery Hall
52 Reid Street
Hamilton HM12 Bermuda

Plaintiffs,

v.

7
Civil Action No.: 02-CV-1576

AIR FRESHENERS INC.
dba SCENT USA
4300 N. Pecos Road, Suite 5
Las Vegas, Nevada 89115

CONSENT JUDGMENT

Defendants.

CONSENT JUDGMENT

The Court enters this Judgment upon the consent of the parties.

THE COURT HEREBY FINDS THAT:

1. This is a suit for common law trademark infringement and infringement under Title 15 of the United States Code, the Lanham Act, joined with claims of unfair competition and false designation of origin. The Court has jurisdiction over the subject matter and the parties.

2. Plaintiff, Julius Sämann Ltd. ("JSL") is a Bermuda corporation with an address at Chancery Hall, 52 Reid Street, Hamilton HM12, Bermuda; and Car-Freshner Corporation ("CFC"), is a Delaware corporation with a place of business at 21205 Little Tree Drive Watertown, New York 13601-0719.

3. Defendant, Air Fresheners Inc. d/b/a Scent USA ("Scent USA") is a Nevada corporation, with a place of business at 2960 MARCO STR., Las Vegas, Nevada ("Scent USA").

4. JSL is the owner of the following federal registrations for the Tree Design mark for air fresheners: Registration No. 719,498; Registration No. 1,781,016; and Registration No. 1,791,233. The registrations are valid, subsisting and incontestable.

5. JSL is also the owner of the following federal registrations for LITTLE TREE and LITTLE TREES for air fresheners: Registration No. 1,017,832 dated August 12, 1975; and Registration No. 1,990,039 dated July 30, 1996. The registrations are valid, subsisting and incontestable.

6. JSL is also the owner of the following federal registrations for MAGIC TREE and CAR-FRESHNER for air fresheners: Registration No. 798,701 dated November 16, 1965 and Registration No. 675,796 dated March 24, 1959. The registrations are valid, subsisting and incontestable.

7. The Tree Design mark and the word marks LITTLE TREE, LITTLE TREES, MAGIC TREE and CAR-FRESHNER are used by CFC pursuant to an exclusive license from JSL for air fresheners.

8. The Tree Design mark and the word marks LITTLE TREE, LITTLE TREES, MAGIC TREE and CAR-FRESHNER have been used nationwide, represent substantial goodwill and are recognized by consumers as indications of the source of Plaintiffs' goods.

9. Scent USA has promoted and sold tree shaped air fresheners and has used CAR FRESHENER(S) as names, marks and/or meta tags in connection with the promotion and sale of air fresheners.

10. As of April 1, 2003, Scent USA represents that its gross profits from the sale of all tree shaped air fresheners was \$500 or less.

11. Scent USA's promotion and sale of tree shaped air fresheners and the use of CAR FRESHENER(S) constitute infringement of Plaintiffs' Tree Design mark, and the LITTLE TREE, LITTLE TREES, MAGIC TREE and CAR-FRESHNER word marks.

WHEREFORE, IT IS ORDERED that: no later than ^{November 15,} ~~April 30,~~ 2003;

- [Handwritten signature]*
- A. Scent USA shall deliver to JSL's and CFC's counsel documentation confirming the number of tree shaped air fresheners manufactured, purchased, sold and/or otherwise distributed by Scent USA.
- B. Scent USA shall remove all uses of, and/or references to, tree shaped air fresheners and all uses of, and/or references to LITTLE TREE, LITTLE TREES, MAGIC TREE, CAR FRESHENER and the phonetic equivalents, with or without punctuation between the words, from all meta tag and search engine listings, advertising, promotional materials, web sites, packaging and/or products.
- C. Scent USA shall surrender all artwork, products, packaging, promotional materials, advertising, dies, tooling and any other materials with a tree design.

- D. Scent USA shall not import, manufacture, purchase, distribute, advertise, promote or sell any air fresheners with any design that infringes or is a colorable imitation of the Tree Design mark.
- E. Scent USA shall not import, manufacture, purchase, distribute, advertise, promote or sell any air fresheners with a silhouette shape that conveys a commercial impression that is similar to the Tree Design mark.
- F. Scent USA shall not use a tree design or any other design that infringes or is a colorable imitation of the Tree Design mark for the promotion, packaging or sale of any air freshener or air deodorizing products.
- G. Scent USA shall not import, manufacture, purchase, distribute, advertise, promote or sell any air fresheners with a separately identifiable tree design, whether natural or stylized, on the air freshener product or packaging.
- H. Scent USA shall not use LITTLE TREE, MAGIC TREE, CAR-FRESHNER or the phonetic equivalents, with or without punctuation between the words, to promote or refer to air fresheners.
- I. Scent USA shall notify in writing any and all known third parties who refer to, depict, list or link to, a Scent USA tree shaped air freshener or any Scent USA promotional materials, advertising or products that include LITTLE TREE, LITTLE TREES, MAGIC TREE or CAR FRESHENER or the phonetic equivalents, that all such use should be immediately discontinued. Copies of all such communications shall be provided to counsel for JSL and CFC.
- J. In the event that Scent USA, its officers, employees, agents, successors or assigns, or any others in active concert with Scent USA violate the terms of this Consent Judgment and/or infringe the Tree Design mark in the future, even if corrective action is immediately taken, Scent USA shall pay to JSL and CFC an amount equal to \$1.00 for each item manufactured, purchased, sold or otherwise distributed, \$10,000 per occurrence, attorney fees and costs associated with any action required to enforce the terms of this Consent Judgment.
- K. All notices to be given under this Agreement shall be given by: (i) overnight mail which shall be deemed sufficiently given 24 hours after timely deposit with an overnight courier which guarantees next day delivery of same and which provides written proof of delivery of same, or (ii) facsimile which shall be deemed sufficiently given upon the sender's receipt of a facsimile confirmation page of same; addressed to the parties as follows:

If to Scent USA:

If to JSL:
Roberta S. Bren
Oblon Spivak McClelland Maier & Neustadt P.C.
1940 Duke Street
Alexandria, Virginia 22314
Facsimile: 703-413-2220

If to CFC:

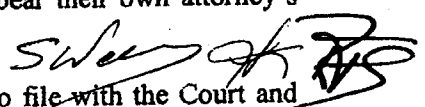
President
Car-Freshner Corporation
21205 Little Tree Drive
Watertown, NY 13601-0719
Facsimile: 315-785-9695

If to Counsel for JSL and CFC:

Roberta S. Bren
Oblon Spivak McClelland Maier & Neustadt P.C.
1940 Duke Street
Alexandria, Virginia 22314
Facsimile: 703-413-2220

A party may change its mailing address by giving written notice to the other parties as provided above.

L. Except as otherwise provided herein, each party hereto shall bear their own attorney's fees and costs in connection with all claims asserted.

M. In accordance with 15 U.S.C. §1116, Scent USA is required to file with the Court and serve on Plaintiffs, no later than ~~April 30, 2003~~ ^{November 15, 2003}, a report in writing and under oath setting forth in detail the manner and form in which defendants have complied with the terms of the relief ordered. 

N. This Court shall retain jurisdiction to construe, enforce and implement this Consent Judgment upon the application of any party, and all notices in connection therewith shall

be deemed sufficient to each party when served upon the parties in accordance with provision "K" above.

O. All parties waive the right to appeal or otherwise contest this Consent Judgment and this Judgment may be entered without further notice to any party.

Dated this 22nd day of September, 2003.

BY THE COURT

11/5/03 Thomas J. McAvoy
United States District Judge

Approved as to Form and Substance

Nancy L. Pontius
Nancy L. Pontius, #102379
Mackenzie Hughes LLP
600 Onondaga Savings Bank Building
101 South Salina St.
P.O. Box. 4967
Syracuse, NY 13221-4976

Roberta S. Bren
Oblon Spivak McClelland Maier & Neustadt P.C.
1940 Duke Street
Alexandria, Virginia 22314

Appeared Pro Se

Counsel for Air Fresheners Inc. dba Scent USA

CONSENTED TO:

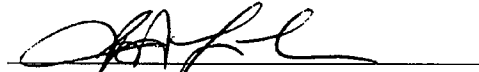
Air Fresheners Inc. dba Scent USA

Michael Warzocha
Signature: Michael Warzocha

Title: Vice President

09/22/03
Date

Car-Freshner Corporation

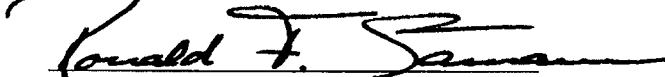


Signature: Jody R.A. LaLone

Title: President

Date: October 10, 2003

Julius Sämann Ltd.



Signature: Ronald F. Sämann

Title: President and CEO

Date: 10th October 2003

Corporate Verification

State of New York
County of Jefferson

Ronald F. Sämann being duly sworn, deposes and says that he is President and CEO of Julius Sämann Ltd. and that he has executed the annexed Consent Judgment on behalf of Julius Sämann Ltd., with full authority to do so.

Julius Sämann Ltd.
By 
Ronald F. Sämann

On this 10th day of October, 2003, before me personally came Ronald F. Sämann to me and known to be the individual described in and who executed the foregoing Consent Judgment on behalf of Julius Sämann Ltd. and he acknowledged to me that he had executed the same.


Notary

JUDITH A. ZUGERMAYR
Notary Public, State of New York
No. 01ZU4716494
Qualified in Jefferson County
Commission Expires February 28, 20 07

Corporate Verification

State of New York
County of Jefferson

Jody R.A. LaLone being duly sworn, deposes and says that she is President of Car-Freshner Corporation and that she has executed the annexed Consent Judgment on behalf of Car-Freshner Corporation, with full authority to do so.

Car-Freshner Corporation

By


Jody R.A. LaLone

On this 10th day of October, 2003, before me personally came Jody R.A. LaLone to me and known to be the individual described in and who executed the foregoing Consent Judgment on behalf of Car-Freshner Corporation and she acknowledged to me that she had executed the same.


Notary

JUDITH A. ZUGERMAYR
Notary Public, State of New York
No. 01ZU4716494
Qualified in Jefferson County
Commission Expires February 28, 20 07

CORPORATE VERIFICATION

State of Nevada
County of Clark

Michael Warzocha being duly sworn, deposes and says that he is Vice President of Air Fresheners Inc. dba Scent USA and that he has executed the annexed Consent Judgment on behalf of Air Fresheners Inc. dba Scent USA, with full authority to do so.

Air Fresheners Inc. dba Scent USA

By

Michael Warzocha
Michael Warzocha

On this 22nd day of September, 2003, before me personally came Michael Warzocha to me and known to be the individual described in and who executed the foregoing Consent Judgment on behalf of Air Fresheners Inc. dba Scent USA and he acknowledged to me that he had executed the same.

Shirley Hartman
Notary



RSB/mjo {I:\ATTY\RSB\CAR-FRESHNER\BIG LOTS\2936-228645-CON.DOC}